



State of Hawaii

---

Workforce Innovation and Opportunity Act  
Eligible Training Provider Policies & Procedures  
June 2016

DRAFT



## Table of Contents

<b>TABLE OF CONTENTS .....</b>	<b>1</b>
<b>PURPOSE .....</b>	<b>3</b>
<b>TIMELINE .....</b>	<b>3</b>
<b>REFERENCES .....</b>	<b>4</b>
<b>I. Background on WIOA Requirements .....</b>	<b>5</b>
<b>II. General Provisions .....</b>	<b>5</b>
A. Definitions .....	5
B. ETPs and Youth .....	7
C. Types of Training to which these Procedures Apply (WIOA Section 134) .....	7
D. Special Circumstances - Exemptions .....	7
<b>III. Application Policy and Procedures .....</b>	<b>8</b>
A. Continued Eligibility for Existing Providers .....	8
B. Initial Eligibility for New <i>Providers</i> .....	9
C. Initial Eligibility for New <i>Programs</i> .....	10
D. Apprenticeship Programs .....	10
<b>IV. Criteria to become an ETP under WIOA .....</b>	<b>11</b>
A. Types of Training Providers .....	11
B. Licensing .....	10
C. Training Courses Exempt from State Department of Education Licensure .....	12
D. Business and WIOA Requirements.....	13
E. Technology-Based Learning .....	16
F. Other Eligibility Factors .....	16
<b>V. ETPL Performance Measures .....</b>	<b>17</b>
A. ETPL Performance Standards .....	17
B. Evaluation Period .....	18
<b>VI. ETPL Performance Standards .....</b>	<b>18</b>
A. Performance Data Submitted by the Training Provider .....	18
B. Performance Measures Calculated by the WIOA Program .....	19
<b>VII. Notification of Ineligibility or Termination .....</b>	<b>19</b>
A. Application or Initial Eligibility Denials .....	19
B. Reapplication .....	20
C. Denial or Termination Notice .....	20



## Eligible Training Provider List Policies and Procedures

---

<b>VIII.</b>	<b>Training Provider/Program Removals from the ETPL</b>	<b>21</b>
A.	Removal of Training Programs	21
B.	Removal of Training Providers	22
C.	Removal Due to Higher Performance Standards	22
<b>IX.</b>	<b>Appeal Procedure</b>	<b>22</b>
A.	Administration Reconsideration	22
B.	Formal Appeal	22
<b>X.</b>	<b>Billing and Payment Procedures</b>	<b>24</b>
A.	P-Card or Purchase Orders	24
B.	Billing Procedures	24
C.	Letterhead and Invoice	24
D.	Late Invoices	25
<b>XI.</b>	<b>Roles and Responsibilities</b>	<b>25</b>
A.	State Board Responsibilities	25
B.	Local Board Responsibilities	26
C.	Training Provider Responsibilities	27

### Appendices

<b>Appendix A,</b>	<b>Eligible Training Provider Initial Application</b>	<b>29</b>
<b>Appendix B,</b>	<b>New Eligible Training Provider Application Process</b>	<b>43</b>
<b>Appendix C,</b>	<b>Required Data Information for the Eligible Providers List</b>	<b>44</b>
<b>Appendix D,</b>	<b>Required Student and Performance Data</b>	<b>45</b>



# Eligible Training Provider List Policies and Procedures

## PURPOSE

These policy and procedures govern the operation of the statewide Eligible Training Provider List (ETPL) in Hawaii. They address the activities of the Workforce Development Council or “**State Board,**” Local Workforce Development Boards or “**Local Boards,**” their America’s Job Center locations, and the training providers funded by the *Workforce Innovation and Opportunity Act* (WIOA) Title I-B to serve adults, dislocated workers and out-of-school youth. The procedures describe the roles and responsibilities of State and Local Boards in managing Hawaii’s ETPL and training providers delivering services to students. The WIOA emphasizes informed customer choice, performance accountability, and continuous improvement. This directive includes a process to transition existing providers from the *Workforce Investment Act* (WIA) to WIOA, establishes eligibility criteria and processes for initial and subsequent determinations for training providers approved to receive WIOA funds and adds new performance and Registered Apprenticeship information requirements. These policies and procedures may change as Federal and State requirements are modified.

While Local Boards must address the provisions in these policies and procedures, they may develop stricter application, eligibility, renewal and termination processes to ensure quality training in their local areas. Local Boards must also ensure that Local Plans include their ETPL policies and procedures.

## TIMELINE

Action	Date
State Board procedures in place for new providers – Initial Eligibility	June 2016
Transition period for providers that were eligible under WIA	June 30, 2016
State Board procedures in place for Continued Eligibility	June 30, 2016



## Eligible Training Provider List Policies and Procedures

### REFERENCES

- [Workforce Innovation and Opportunity Act](#) of 2014 (WIOA or Opportunity Act), Public Law (Pub. L.) 113-128, Title I; enacted July 22, 2014
- Workforce Investment Act of 1998 (WIA), Pub. L. 105-220, *et seq*
- Workforce Innovation and Opportunity Act-Notice of Proposed Rulemaking, 80 FR 20689
- Innovation and Opportunity Network (ION): <https://wioa.workforce3one.org/index.aspx>
- Department of Labor WIOA Page: [http://www.doleta.gov/wioa/eta\\_default.cfm](http://www.doleta.gov/wioa/eta_default.cfm)
- Training and Employment Guidance Letter (TEGL 41-14), Workforce Innovation and Opportunity Act Title I Training Provider Eligibility Transition Training and Employment Guidance Letter (TEGL) No. 41-14, *Workforce Innovation and Opportunity Act Title I Training Provider Eligibility Transition*, June 26, 2015
- Training and Employment Notice (TEN) No. 1-15, *Promising Practices in Achieving Universal Access and Equal Opportunity: A Section 188 Disability Reference Guide*, July 7, 2015
- Training and Employment Guidance Letter (TEGL) No. 3-15, *Guidance on Services Provided through the Adult and Dislocated Worker Program under the Workforce Innovation and Opportunity Act (WIOA or Opportunity Act) and Wagner Peyser, as Amended by WIOA, and Guidance for the Transition to WIOA Services*, July 1, 2015
- Training and Employment Guidance Letter (TEGL) No. 41-14, Change 1, November 24, 2015



## Eligible Training Provider List Policies and Procedures

---

### I. Background on WIOA Requirements

---

The State Board must establish procedures for use by Local Boards in determining the initial and subsequent eligibility of public and/or private training providers to be included on the statewide ETPL and receive funds from Individual Training Accounts to pay for training of WIOA eligible participants. The State Board is required to develop and operate the ETPL in partnership with Local Boards. The ETPL is designed to gather and display useful information on training providers, their services and the quality of their programs so that customers can make informed choices.

The Local Boards receive applications from training providers, determines if the applicant meets state and local criteria for listing, and forwards information on those providers who meet these criteria to the State Board.

The State Board accepts and verifies certain information forwarded by Local Boards on training providers, compiles them into a comprehensive state list (the ETPL), and disseminates the ETPL with cost information. The official Hawaii ETPL is available online at <http://dlir.state.hi.us/labor/etpl/>.

An American Job Center (AJC) may issue an Individual Training Account (ITA) to a WIOA eligible individual (out-of-school youth age 18-24 or an adult or dislocated worker) to fund training services. The training provider must be selected from those listed on the ETPL (exceptions are listed in WIOA Section 122 (h)). The eligible individual can then compare the offerings on the ETPL, and with the assistance of AJC staff, select the most appropriate training program. The AJC may also contract with an ETPL provider for cohort training (20 *Code of Federal Regulations* (CFR) 680.320 (a)(4)) if the following occurs: 1) the Local Board determines it would facilitate the training of multiple individuals in demand occupations; 2) the contracts do not limit customer choice.

### II. General Provisions

---

#### A. Definitions

1. **Program of Training Services** is defined (20 CFR Section 680.420) as one or more courses or classes, or a structured regimen that leads to one of the following:
  - a. A recognized post-secondary credential, secondary school diploma or its equivalent.
  - b. Employment.
  - c. Measurable skill gains toward such a credential or employment.
  - d. These training services could be delivered in person, on-line, or in a blended approach.



## Eligible Training Provider List Policies and Procedures

---

2. **Completion** is defined as successfully completing an activity and attaining the skills competencies, certification, license, credential, degree, or employment associated with the activity in the customer's employment plan
3. **Exit** is defined (20 CFR, Section 677.150) as the status of a customer who has not received a WIOA service for 90 days and for whom no future services are planned. "Service" does not include self-service, information-only activities or follow-up services. AJC staff may "close" a case and enter completion and employment information in HireNet, but "exits" occur automatically after 90 days of no service.
4. **Individuals with barriers to employment** (20 CFR Section 680.320) include those individuals in one or more of the following categories: displaced homemakers; low-income individuals; Indians, Alaska Natives and Native Hawaiians; individuals with disabilities; older individuals; ex-offenders; homeless individuals; youth who are in or have aged out of the foster care system; individuals who are English learners, have low literacy levels, or face substantial cultural barriers; eligible migrant seasonal farmworkers (MSFW); individuals within two years of exhausting lifetime eligibility under Temporary Assistance for Needy Families (TANF); single-parents (including single pregnant women); long-term unemployed individuals; and members of other groups identified by the Governor.
5. **In-demand** refers to occupations, industry sectors or clusters, or career pathways that have been identified in the state, regional, and/or local Workforce Development Plan as emerging, growing, a priority for local workforce partners, or otherwise having the best job prospects due to the workforce needs or hiring demands of employers.
6. **Pre-apprenticeship Skills Training** is defined (20 CFR 681.480) as a program or set of strategies designed to prepare individuals to enter and succeed in a registered apprenticeship programs and has a documented partnership (letter of commitment) with at least one, if not more, approved apprenticeship program sponsor. In Hawaii, the apprenticeship program and its sponsor must be registered (approved) by the Federal Department of Labor (DOL) Office of Apprenticeship or the State Department of Labor and Industrial Relations (DLIR). The federal DOL is responsible for apprenticeship programs on federal property such as Pearl Harbor Navy Shipyard, and the State DLIR is responsible for other apprenticeship programs. For a list of construction and non-construction apprenticeship programs and their sponsors that are registered (approved) by the State DLIR, go to:  
<http://labor.hawaii.gov/wdd/home/job-seekers/apprenticeship/type-of-apprenticeships-available//>



## Eligible Training Provider List Policies and Procedures

---

Such pre-apprenticeship programs should possess or develop a record of enrolling their pre-apprenticeship graduates into a registered apprenticeship or other types of employment and training programs serving target populations.

### **B. ETPs and Youth**

WIOA Title I youth funds can be used with ETPs for the provision of training services to out-of-school youth age 18 to 24 when appropriate and in accordance with Local Board's Policy on Individual Training Accounts.

### **C. Types of Training to which these Procedures Apply (WIOA Section 134)**

In order for a provider of training services to receive WIOA funds, its program(s) must be listed on the ETPL. These programs may provide training services, such as the following:

1. Occupational skills training, including training for non-traditional employment and occupational skills training that integrates English-language and math instruction needed to succeed on the job.
2. Programs that combine workplace training with related instruction, which may include cooperative education programs.
3. Training programs operated by the private sector.
4. Skill upgrading and retraining.
5. Entrepreneurial training.
6. Apprenticeship and Pre-Apprenticeship Skills Training.

### **D. Special Circumstances - Exemptions**

There are some training programs that are exempt from direct application to the ETPL or are subject to special ETPL policy provisions. These exceptions include the following:

1. On-the-Job Training, Customized Training, Incumbent Worker Training, Internships, Paid or Unpaid Work Experience and Transitional Employment.
2. Instances where the Local Board determines that:
  - a. There is an insufficient number of ETPs in the local area.
  - b. There is an effective training program offered in the local area by a community-based or private organization serving individuals with barriers to employment; or



## Eligible Training Provider List Policies and Procedures

---

- c. That it would be most appropriate to award a contract to an institution of higher education or other eligible provider to facilitate the training of multiple individuals in in-demand industry sectors or occupations, provided customer choice is not limited; or
  - d. When a Local Board provides training services through a pay-for-performance contract. Institutions of higher education, such as community colleges, do not need to be on the state's ETPL to provide training through direct contract with a Local Board [20 CFR 680.320 (a)(4)].
3. For exempted programs, State Board reserves the right to:
    - a. Require One-Stop Operators in a local area to collect performance information and
    - b. Determine whether the providers of the exempted programs meet the information requirements and eligibility criteria described in this Policy. Exempted providers that meet the requirements and criteria are considered ETPs. [WIOA Section 122(h)(1); TEGL 41-14]

### III. Application Policy and Procedures

---

The State and Local Boards shall use the following procedures to establish the eligibility of Training Providers to receive WIOA funds before WIOA participants are enrolled into their programs:

#### **A. Continued Eligibility for Existing Providers**

1. Eligible Training Providers (ETPs) and programs that were eligible under WIA remain eligible under WIOA until June 30, 2016
2. **As of June 30, 2016**, all providers, including existing ETPs grandfathered in under WIA requirements, must be evaluated using the WIOA criteria, first at initial application, then every two years thereafter, commencing on the date that continued eligibility was approved.
3. Eligibility is determined on a program-by-program basis. To continue receiving WIOA funds, ETPs must renew continued eligibility for each approved program every two years.
4. Providers must contact the Local Board(s) to begin the renewal process. In addition to any local requirements, providers must follow the process outlined in Appendix A and submit student and performance data as listed on Appendices C and D.



## Eligible Training Provider List Policies and Procedures

---

### **B. Initial Eligibility for New Providers**

1. New providers that did not have any programs certified under WIA must be evaluated based on the requirements set forth in WIOA, as follows:
  - a. Providers must submit an application to the Local Board(s) for the training program(s) they wish to offer. In addition to any local requirements, providers must follow the process outlined in Appendix A and submit student and performance data as listed on Appendices C and D.
  - b. Providers are eligible only for programs that qualify and are approved by the State and Local Boards.
2. Providers must submit evidence of accreditation and/or licensure from the appropriate state or other governing body (see Section II.B. Licensing).
3. Distance learning programs are eligible only when offered by institutions that are fully accredited by a recognized accrediting body (see Section II. D. Technology-Based Learning).
4. Initial eligibility is limited to a period of one (1) fiscal year for each approved program. "Fiscal year" is defined as the 12-month period commencing on the date when initial eligibility is approved for the applicable program.
5. The provider must renew its eligibility and establish continued eligibility for each approved program to continue receiving WIOA funds after the program's one-year period of initial eligibility ends.
6. Thereafter, providers must contact the Local Board(s) every two years to renew each program's continued eligibility to receive WIOA funds.
7. Local Boards are responsible for the retention of the original hard copy of the ETP application. **[WIOA Section 122; TEGL 41-14]**
8. The Local Board shall provide a written notice of determination of acceptance or rejection of an initial application to an applying entity within thirty (30) calendar days of the receipt of the completed initial eligibility determination application.
9. Local Board policy shall determine the circumstances under which reconsideration of an application may be afforded to an entity whose initial application was denied.



## Eligible Training Provider List Policies and Procedures

---

### **C. Initial Eligibility for New Programs**

1. The WIOA grandfather provision applies at the provider level. Therefore, grandfathered ETPs that had at least one program certified under WIA and that are seeking approval for additional training programs for which program-performance data is not available, the following applies:
  - a. the new program will receive initial approval for a period of one (1) year.
  - b. at the end of the one-year period, the provider must renew the program's eligibility and establish continued eligibility for that program to continue receiving WIOA funds.

### **D. Apprenticeship Programs**

1. Registered Apprenticeship programs are not subject to the same application and performance information requirements or to a period of initial eligibility or initial eligibility procedures as other providers because they go through a detailed application and vetting process to become a Registered Apprenticeship program sponsor with the United States Department of Labor.
2. Registered Apprenticeship programs are automatically qualified for the ETPL as long as the program remains registered with the United States Department of Labor, Office of Apprenticeship and/or until the program asks to be removed from the ETPL by notifying the State Board by email at: [dliir.workforce.council@hawaii.gov](mailto:dliir.workforce.council@hawaii.gov).
3. The State Board will notify *current* Registered Apprenticeship programs of their automatic qualification for the ETPL. As new programs are approved, the State Department of Labor and Industrial Relations, Workforce Development Division (WDD) will provide the same information to the sponsor. Both current and new Registered Apprenticeship sponsors will then contact the State Board by email at [dliir.workforce.council@hawaii.gov](mailto:dliir.workforce.council@hawaii.gov) to gain access to the ETPL website to enter the following information:
  - a. Occupations included within the Registered Apprenticeship program;
  - b. The name and address of the Registered Apprenticeship program sponsor;
  - c. The name and address of the Related Technical Instruction provider, and the location of instruction if different from the program sponsor's address;



## Eligible Training Provider List Policies and Procedures

---

- d. The method and length of instruction; and,
  - e. The number of active apprentices.
4. At the end of each program year, the State Board will ask WDD for a list of all Registered Apprenticeship programs that were either voluntarily or involuntarily deregistered. These programs will be removed from the list.
  5. Registered Apprenticeship program sponsors that do not provide the Related Technical Instruction portion of the apprenticeship program may be required to submit additional information about their educational provider, including the cost of instruction.
  6. Pre-apprenticeship programs do *not* automatically qualify for the ETPL. They are subject to the same requirements as regular ETPs.

### IV. Criteria to become an ETP under WIOA

---

#### A. Types of Training Providers

Training providers must meet one of the following criteria to be eligible for the ETPL:

1. Higher education institutions that provide a program that leads to a recognized post-secondary credential;
2. Registered Apprenticeship programs under the National Apprenticeship Act;
3. Public or private training providers, which may include:
  - a. joint labor-management organizations; and
  - b. adult education and literacy providers – if services are provided with occupational skills training;
4. Local Boards, if they meet the conditions of WIOA § 107(g)(1); and
5. Community Based Organizations (CBOs) or private organizations of demonstrated effectiveness under contract with the Local Board



## Eligible Training Provider List Policies and Procedures

---

### **B. Licensing**

Hawaii requires significant consumer protection through its licensing requirements. Training providers must be licensed by the appropriate Hawaii or Federal licensing authority, as required by law.

1. Training providers must be licensed or certified by the appropriate governing board or agency. Specific occupations have governing boards that issue licenses, such as the Hawaii Board of Barbering and Cosmetology or the Hawaii Motor Vehicle Repair Industry Board. Other occupations such as Nurse Aide are certified through entities contracted by the State Department of Commerce and Consumer Affairs and pilots or aviation schools are approved by the Federal Aviation Administration (FAA).
2. Trade, vocational, or technical schools are usually licensed by the Hawaii Department of Education (HIDOE) unless they are exempt or accredited by another recognized entity. Accredited post-secondary institutions with a physical presence in the state are authorized by the Hawaii Post-secondary Education Authorization Program (HPEAP), [see the HPEAP website](#).
3. Private post-secondary training providers, who apply for a Hawaii Private Postsecondary license and are denied due to a determination that the training program is not vocational in nature, are not eligible to be listed on the ETPL.
4. Training providers that provide adult education and literacy activities in combination with occupational skills training are not required to be licensed. However, the provider of the occupation skills training must be licensed if a training license is required by law.
5. Apprenticeships are not licensed but must be registered with the Workforce Development Division in the State of Hawaii, Department of Labor and Industrial Relations.

### **C. Training Courses Exempt from State Department of Education Licensure**

1. Schools maintained or classes conducted by employers for their own employees where no fee or tuition is charged;



## Eligible Training Provider List Policies and Procedures

---

2. Courses of instruction given by fraternal society, benevolent order, or professional organization to its members and which are not operated for profit;
3. Flying schools qualified under the Federal Aviation Administration;
4. Classes conducted for less than five students at one and the same time;
5. Classes or courses of instruction which are conducted for twenty or less class sessions during any twelve month period;
6. A vocational, hobby, recreation, or health classes or courses;
7. Courses of instruction on religious subjects given under the auspices of a religious organization; or
8. Schools registered by the State Department of Commerce and Consumer Affairs. [Eff 12/1/87; comp 3/15/01] (Auth: HRS s 302A-1112, 302A-427) (Imp: HRS s302A-1112, 302-A-101, 302-A-424, 302A-425)

### **D. Business and WIOA Requirements**

Training providers must:

1. Have a physical and permanent Hawaii mailing address. Post office boxes (P.O. Boxes or private rental mailboxes) are not considered a physical address. This requirement does not apply to third-party providers.
2. Be a legal entity, registered to do business in Hawaii.
3. Be current with tax obligations as required by Hawaii Revised Statutes 103D-310(c) and verified by a "Certificate of Vendor Compliance" issued by Hawaii Compliance Express, <https://vendors.ehawaii.gov/hce/splash/welcome.html> .
4. Have a valid Certificate of Liability Insurance for the amount of at least \$2 million in General Aggregate for each occurrence that includes the following language:



## Eligible Training Provider List Policies and Procedures

---

***“The State of Hawaii including all of its departments and attached agencies their officers, employees’ and agents are named as additional insured, as respects the named insured’s activities on their behalf.”***

5. Not be associated with occupations that pay commission only and not be debarred by the state or the federal government as they would not be eligible to be included on the ETPL.
6. Have provided training for at least one year at the time of application and have a proven track record of students successfully completing the programs and meeting all state performance standards. Training providers that have been training in another state for more than a year, and have recently opened a new campus in Hawaii do not need to train a year in Hawaii to be listed on the ETPL. Registered Apprenticeships do not need to complete a year of training participants to be eligible for the ETPL.
7. Enter into a data-exchange agreement with the Department of Labor and Industrial Relations/Unemployment Insurance/Research & Statistics so that employment-after-exit and median wage data can be verified as required under WIOA. The agreement will also cover the privacy of Personally Identifiable Information (PII) in Student Data and wage records.
8. Have at least five (5) students enrolled in a program for the minimum performance standards to be used in determining eligibility.
9. Have refund policies specifying when refunds for tuition and other costs associated with the training program will be allowed. Refund policies that indicate that no refunds will be made are not acceptable. Refund policies must be written and published so that students are aware of how to request a refund.
10. Have a grievance policy which provides for due process for students to file complaints with an organization against faculty, staff, or other college employees. Grievance policies must be written and published so that students are aware of how to file a complaint.
11. Offer training programs that:
  - a. Relate to in-demand industry sectors and occupations in the Hawaii;



## Eligible Training Provider List Policies and Procedures

---

- b. Are aligned with industry sector strategies and career pathways; and
  - c. Are job driven.
12. Have the ability to:
- a. Provide information on whether the provider is in a partnership with business, including information about the quality and quantity of employer partnerships;
  - b. Offer programs that lead to recognized postsecondary certificates and credentials;
  - c. Describe each program of training services to be offered;
  - d. Produce verifiable program-specific information describing:
    - Qualifications and credentials of the provider's instructors;
    - Minimum program enrollment requirements;
    - Information pertaining to program performance, costs, methods of instruction, length, and schedule.
  - e. Meet the needs of local employers and participants;
  - f. Train individuals with barriers to employment; and
  - g. Train individuals who are employed.
13. Comply with non-discrimination and equal opportunity provisions of WIOA, which include prohibitions against:
- a. discrimination on the basis of age, disability, sex, race, color, national origin, or political affiliation or belief, or student status; (WIOA prohibits discrimination against an individual who is a participant in a program or activity that receives WIOA funds solely because of the individual's status as a WIOA program participant.)
  - b. discrimination against certain noncitizens; (WIOA prohibits discrimination against individuals authorized by the Attorney General to work in the United States.) and



## Eligible Training Provider List Policies and Procedures

---

- c. assistance for facilities used for religious instruction or religious worship; (WIOA prohibits the use of funds to employ WIOA participants to carry out construction, operation, or maintenance of any facility used for religious instruction or worship, with the exception of maintenance of facilities that are not primarily used for religious instruction or worship and are operated by organizations providing services to WIOA participants.)
14. Comply with the all applicable federal and state laws as listed on Appendix A.

### **E. Technology-Based Learning**

Local Boards must ensure access to training services throughout the state, including rural areas, by approving programs that use technology- based learning and meet all state and local requirements. Training providers using technology-based learning, also referred to as distance, online, web-based or computer-based learning, must meet the following requirements:

1. Be licensed to provide training in Hawaii;
2. The Director of Workforce Development for the University of Hawaii Community College System should vet technology-based training providers;
3. Has a mechanism for student interaction with an instructor or instructors;
4. Ensures periodic assessment of each student;
5. Because the student and teacher are not place- or time-bound in distance learning/on-line training programs, the provider must have a policy describing the responsibilities of each party in the distance learning experience;
6. Has a mechanism to track students' participation in the ETPL training program;
7. Complies with any additional requirements of the Local Board.

### **F. Other Eligibility Factors**

The State Board will also consider the following factors when determining the eligibility of training providers:



## Eligible Training Provider List Policies and Procedures

---

1. Information reported to state agencies on federal and state training programs other than those provided under WIOA;
2. Record of submitting timely and accurately performance reports; and
3. Other factors as needed.

### **V. ETPL Performance Measures**

---

At a minimum, eligibility criterion must include performance expectations. Standards for performance are set by the State and the Local Boards. Providers must submit accurate and timely performance data and cost information as listed on Appendices C and D for all students, not just WIOA participants, in their classes. Program-specific performance data will be verified by the State Board at these points:

- when reviewing an application for initial eligibility;
- when reviewing an application for continued eligibility; and
- every twenty-four (24) months following a determination of continued eligibility (*i.e.*, when reviewing an application for renewal of continued eligibility).

#### **A. ETPL Performance Standards**

Subject to verification by the State Board, existing programs must have a minimum completion rate of 35 percent for all individuals enrolled in the previous two years. The following standards have been identified for training programs to be included on the ETPL. Local Boards may identify additional measures and/or may propose standards that are higher than the following:

1. Submission of student performance data is not required initially;
2. Beginning July 1, 2016, the provider must compile student demographic information and performance data as detailed on Appendices C and D for submission by September 30 after the first full year for performance calculation.
3. Data on the following indicators of performance must be submitted [**WIOA Section 116(b)(2)(A)(i)(I)-(IV)**]:
  - a. unsubsidized employment during the second (2<sup>nd</sup>) quarter after exit must be equal to or greater than 50 percent;



## Eligible Training Provider List Policies and Procedures

---

- b. unsubsidized employment during the fourth (4<sup>th</sup>) quarter after exit must be equal to 65 percent;
- c. median earnings of students who are in unsubsidized employment during the 2<sup>nd</sup> quarter after exit are equal to or greater than 70 percent of the Lower Living Standard Income Level (LLSIL) for a family of one of the current year for the specific local area; and
- d. credential attainment rate must be equal to or greater than 50 percent (if applicable).

### **B. Evaluation Period**

The evaluation period is the last two program years, which begins July 1st and ends June 30th of the second year.

## **VI. ETPL Performance Reports**

---

### **A. Performance Data Submitted by the Training Provider**

Training providers must annually submit the following levels of performance achieved by all students in all programs on the ETPL for public distribution. Data must include all WIOA and non-WIOA students who participated in each training program [WIOA Section 116(d)]:

1. The percentage of students in unsubsidized employment during the 2<sup>nd</sup> quarter after exit from the program;
2. The percentage of students in unsubsidized employment during the 4<sup>th</sup> quarter after exit from the program;
3. The median quarterly earnings of students in unsubsidized employment during the 2<sup>nd</sup> quarter after exit from the program;
4. The percentage of students who obtain a recognized postsecondary credential or a secondary school diploma or its equivalent (GED or CBase) during participation or within a year after exit (A secondary school diploma or its equivalent is only counted if the student is also employed or enrolled in another education or training program leading to a recognized postsecondary credential within one (1) year after exit); and



## Eligible Training Provider List Policies and Procedures

---

5. The total number of individuals that successfully complete the program of study or equivalent.

### **B. Performance Measures Calculated by the WIOA Program**

1. The total number of WIOA participants who received training services through the Adult and Dislocated Worker programs disaggregated by the type of training entity.
2. The total number of participants who exited from training services, disaggregated by the type of entity that provided the training during the most recent program year and the preceding 3 program years;
3. The average cost per participant for the participants who received training services disaggregated by the type of entity that provided the training, during the most recent program year and the past 3 program years; and
4. The number of individuals with barriers to employment served by the Adult and Dislocated Worker program disaggregated by each subpopulation of such individuals and by race, ethnicity, sex, and age.
5. Average cost-per-participant for WIOA participants who received training services for the most recent program year and three (3) preceding program years, disaggregated by type of training entity.

## **VII. Notification of Ineligibility or Termination**

---

In rare cases, providers can be or become ineligible and not placed on or is taken off the ETPL for reasons, such as failure to meet standards, submitting inaccurate information, or other violations of WIOA requirements.

### **A. Application or Initial Eligibility Denials**

A training provider or program may be denied initial eligibility for the following reasons:

1. The application is not complete or information was not provided in a timely manner.



## Eligible Training Provider List Policies and Procedures

---

2. The training program does not meet the WIOA definition of training services, which is a program of one or more courses or classes or a structured regimen that leads to:
  - a. A recognized post-secondary credential, secondary school or equivalent;
  - b. Employment, or
  - c. A measurable skill gain toward such a credential or employment.
3. The training program does not result in a federally or locally recognized credential.
4. Performance data is not included with the application or does not meet the minimum performance measures.
5. The training program does not support occupations in demand within the local area.
6. The training provider is not in compliance with the WIOA statute, regulations, or any agreement executed under the WIOA.
7. The State or Local Board determines that the training provider intentionally supplied inaccurate information.

### **B. Reapplication**

When a training provider or program is denied for any reason other than lack of documentation or information, the provider must wait six months to reapply.

### **C. Denial or Termination Notice**

Within 10 days after a Local Board determines that a training provider's application does not meet the eligibility criteria, or that a provider's eligibility should be terminated, the Local Board shall issue a denial or termination notice to the training provider. A notice shall be issued listing each training program denied or terminated.



## Eligible Training Provider List Policies and Procedures

---

1. The notice shall be mailed to the training provider at the address listed on the application and to the attention of the contact person identified on the application. The notice shall clearly:
  - a. Display the "date mailed";
  - b. Identify the program that was denied or terminated;
  - c. State specific reason(s) for the action; and
  - d. State that the training provider has the right to appeal to the Local Board within 14 calendar days of the date the notice is mailed.
2. The Local Board shall send a copy of the notification to the State Board.

### **VIII. Training Provider/Program Removals from the ETPL**

---

#### **A. Removal of Training Programs**

A training program may be removed from the ETPL for the following reasons:

1. The State or Local Board determines that the training provider supplied inaccurate information.
2. The training program no longer meets the WIOA definition of occupational skills training.
3. The program does not meet minimum performance standards. If there were no WIOA participants in the training program during the past year, there will be no performance data to review for continued eligibility. The Local Board must examine the demand for the related occupation to determine if there is still local demand for it and decide whether to keep the program on the ETPL for another year. If no WIOA participants enroll in the training program for more than two years, it must be removed from the ETPL.



## Eligible Training Provider List Policies and Procedures

---

### **B. Removal of Training Providers**

A training provider may be removed from the ETPL for the following reasons:

1. All of a training provider's programs have been removed.
2. The training provider has not maintained required licenses and liability insurance or is found to be noncompliant with the training providers' assurances.
3. The training provider is not in compliance with the WIOA regulations, or any agreement executed under the WIOA.
4. The training provider is found knowingly to make false claims to prospective participants about costs or WIOA eligibility.

### **C. Removal Due to Higher Performance Standards**

Local areas that have implemented higher performance standards may remove programs that have not met requirements based on their local ETPL policy for removal of programs.

## **IX. Appeal Procedure**

---

To appeal a termination or denial of eligibility, the training provider must file the written appeal with the Local Board within 14 calendar days of the date the notice was mailed. Throughout this appeal procedure, "Local Board" refers to "the Local Board or its designee."

### **A. Administrative Reconsideration**

Within 10 working days of receiving the appeal, the Local Board shall review the appeal and may reverse the original decision if an administrative error was made, or if additional information from the training provider changes the basis of the original decision.

1. If the Local Board reverses its prior decision of termination or denial of eligibility, Local Board shall:
  - a. Forward the written decision, with the basis for the decision, and a copy of the appeal file to the State Board;
  - b. Notify the training provider in writing of the decision and its basis and that the Local Board has notified the State Board; and



## Eligible Training Provider List Policies and Procedures

---

- c. Return the provider to the Initial or Renewal Eligibility process.
2. If the Local Board determines to continue to deny eligibility, the Local Board shall:
  - a. Inform the training provider in writing of its decision to deny reversal of the original decision, including a basis for that denial;
  - b. Provide the training provider with information regarding the further appeals process.

### **B. Formal Appeal**

1. Within 14 calendar days from the date the decision from 2.b. above was mailed, the training provider may file a formal appeal with the DLIR's Employment Security Appeals Referees' Office (ESARO).
2. Within 30 calendar days of the receipt of the formal appeal, a hearing officer from the ESARO will:
  - a. Conduct a hearing at which the training provider and the Local Board will be allowed to present their cases; no new information will be allowed;
  - b. Decide the case based on the review of the written record and the hearing arguments; and
  - c. No later than 30 working days of the conclusion of the hearing, issue a written decision to the training provider and the Local Board. The hearing officer's decision will be final and conclusive
3. If the hearing officer reverses the denial, the Local Board shall comply with the decision in a prompt and efficient manner. Procedures shall be followed for designating the training provider as eligible, inclusion of the training provider's program on the statewide list, and written notification to the training provider.



### **X. Billing and Payment Procedures**

---

Local Boards that contract WDD as the service provider for the Adult and Dislocated Worker programs are required to follow these procedures when working with training providers.

#### **A. P-Card or Purchase Orders**

The WDD will issue either a P-card number, which is a government issued credit card *or* a purchase order number via facsimile, which the provider shall accept in order to receive payment for a course in which an individual completed their training course.

#### **B. Billing Procedure**

The provider shall submit an original copy of the provider's invoice for which an individual(s) completed their training courses in the approved programs. The invoice shall contain the following information for ALL individuals:

1. Name of individual
2. Purchase Order number, if applicable
3. Beginning and end date of course
4. Course title/number
5. Copy of Licensure/Certification/Diploma issued to the individual
6. Cost of course or other training-related costs

The provider shall submit the invoices to the WDD Case Manager at the address specified on the registration form ***within twenty (20) calendar days after the end date of the course.*** Payments will only be made for services and work performed to the satisfactory of WDD.

#### **C. Letterhead and Invoice**

The provider shall submit a copy of the letterhead and an invoice that specifies the mailing address where WDD will send the payments for services and work performed.



### D. Late Invoices

The provider's failure to submit the invoice on a timely basis shall jeopardize any payment being made for training. ***WDD shall not be liable for payments for delinquent invoices after two (2) written notices of delinquencies have been issued by WDD.***

## XI. Roles and Responsibilities

---

### A. State Board Responsibilities

The State Board is responsible for developing a process to determine the eligibility of training providers to receive WIOA funds from Individual Training Accounts with procedures to ensure quality and informed customer choice by:

1. Establishing initial eligibility criteria for new training providers and setting minimum levels of performance for all training providers to remain eligible;
2. Developing and maintaining the list of eligible training providers and programs approved at the state and local levels;
3. Disseminates the ETPL, accompanied by credential, performance and cost information for each training program, through the ETP website.
4. Determining if training programs meet performance levels, including verifying the accuracy of information on the ETPL in consultation with Local Boards, removing training programs that do not meet performance levels, and taking appropriate enforcement action against ETPL training providers who intentionally provide inaccurate information or violate the requirements of WIOA;
5. Notifying training providers and the respective local area(s) of training provider denials and state-level denials of programs;
6. Ensuring training providers' applications and programs approved by Local Boards are reviewed, and those approved are placed on the ETPL in a timely manner;



## Eligible Training Provider List Policies and Procedures

---

7. Giving training providers an opportunity to appeal a denial or termination of eligibility, including an opportunity for a hearing at the state-level; and
8. Making eligibility decisions on training provider appeals to the State Board, after a training provider receives an unsatisfactory appeal decision at the local- level, which includes an opportunity for a hearing and a timely decision.

### **B. Local Board Responsibilities**

Local Board have the following responsibilities for the training provider eligibility process:

1. Assisting in determining the initial eligibility of training providers;
2. Ensuring distribution and appropriate use of the ETPL through the local area One-Stop system;
3. Coordinating with the State Board to ensure that training provider programs that are approved are placed on the statewide ETPL in a timely manner;
4. Monitoring training providers for compliance and performance;
5. Reviewing training programs for initial eligibility;
6. Collecting performance and cost information and any other required information related to programs from training providers;
7. Executing procedures prescribed by the State Board to assist in determining the continued eligibility of all training programs;
8. Evaluating performance data of all training providers during the continued eligibility review to verify that the training programs meets minimum performance standards;
9. Consulting with the State ETPL Coordinator in cases where termination of an eligible provider is considered;
10. Ensuring removal of training programs that are found to not meet ETPL requirements and performance levels and/or are out of compliance with provisions of the WIOA;



## Eligible Training Provider List Policies and Procedures

---

11. Issuing written notices of acceptance or rejection of an initial application to applying entities within thirty (30) calendar days of receipt of the application and notifying the State ETPL Coordinator of denial of programs at the local level;
12. Working with the State ETPL Coordinator to ensure there are a sufficient number and types of training services, including eligible training providers with expertise in assisting individuals with disabilities and other providers with expertise in assisting adults in need of adult education and literacy activities and serving the local area; and
13. Establish policy for determining circumstances under which reconsideration of an application may be afforded to an entity whose initial application was denied.
14. Giving training providers an opportunity to appeal a denial or termination of eligibility of programs that includes an opportunity for a hearing at the local level, a timely decision and a right to appeal to the State Board.

### **C. Training Provider Responsibilities**

Training providers have the following responsibilities:

1. Completing an online application on the Hawaii Eligible Training Provider website. The application must be filled out completely and be submitted to a Local Board according to its requirements;
2. Submitting Training Provider Assurances Form to the State ETPL Coordinator;
3. Submitting supplemental documents to the State ETPL Coordinator and Local Board as required;
4. Submitting initial and subsequent performance information;
5. Submitting performance information on the Annual Training Provider Performance Report;
6. Collecting information about all students attending a training program as required for reporting of performance measures;



## Eligible Training Provider List Policies and Procedures

---

7. Submitting updated information or changes to a training program through the ETPL website as soon as the change occurs;
8. Providing periodic updates on WIOA training participants, including copies of credentials and transcripts received by WIOA participants as required and requested by the Local Board;
9. Notifying State and Local Board(s) of impending school move, sale or closure; and
10. Notifying State and Local Board(s) of change in point of ETPL contact.



## Eligible Training Provider List Policies and Procedures

### Appendix A

#### Eligible Training Provider Initial Application

To be considered for inclusion on the ETPL, the training provider (provider) must supply all of the information requested in this application. Completed applications and any specific questions regarding this application must be submitted to the county where the training will be provided.

(Check all that apply)

- City & County of Honolulu  
Oahu Workforce Development Board  
715 South King Street, Suite 211  
Honolulu, HI 96813  
Phone: (808) 768-5889  
Email: [owib@honolulu.gov](mailto:owib@honolulu.gov)
- Hawaii County  
Office of Housing and Community Development  
50 Wailuku Drive  
Hilo, HI 96720  
Phone: (808) 961-8379  
Email: [ohcdwia@hawaiicounty.gov](mailto:ohcdwia@hawaiicounty.gov)
- Maui County  
Office of Economic Development  
2200 Main Street, Suite 305  
Wailuku, HI 96793  
Phone: (808) 270-8225  
Email: [roland.prieto@co.maui.hi.us](mailto:roland.prieto@co.maui.hi.us)
- Kauai County  
Office of Economic Development  
4444 Rice Street, Suite 200  
Lihue, HI 96766  
Phone: (808) 241-4950  
Email: [kbradford@kauai.gov](mailto:kbradford@kauai.gov)

#### INSTRUCTIONS:

1. **SECTION A. TRAINING PROVIDER** – complete once per application
2. **SECTION B. PROGRAM INFORMATION** – complete once for each program of study (program) the provider intends to offer as a WDC-approved program



## Eligible Training Provider List Policies and Procedures

---

### **SECTION A. TRAINING PROVIDER INFORMATION**

#### **1. Provider Information**

- Date of Application: [Click to enter a date.](#)
- Provider Name (as it appears on W-9 form): [Click here to enter text.](#)
- DBA (if any): [Click here to enter text.](#)
- Provider Street Address:** Address line 1: [Click here to enter text.](#)  
Address line 2: [Click here to enter text.](#)  
City: [Click here to enter text.](#)  
State: [Click to enter text.](#)  
Zip Code: [Click here to enter text.](#)
- Provider Mailing Address:** Address line 1: [Click here to enter text.](#)  
Address line 2: [Click here to enter text.](#)  
City: [Click here to enter text.](#)  
State: [Click here to enter text.](#)  
Zip Code: [Click here to enter text.](#)
- Provider phone number: [Click here to enter text.](#)
- Federal Employer Identification Number (FEIN): [Click here to enter text.](#)
- State Tax ID#: [Click here to enter text.](#)
- Provider Website: [Click here to enter text.](#)
- Provider Contact: Name: [Click here to enter text.](#)  
Title: [Click here to enter text.](#)  
Phone: [Click here to enter text.](#)  
Email: [Click here to enter text.](#)
- How long has the provider been in operation? [Click here to enter text.](#)



## Eligible Training Provider List Policies and Procedures

### **SECTION A. TRAINING PROVIDER INFORMATION (Continued)**

- Type of Business Entity (Check one):
- Non-profit corporation
  - For-profit corporation
  - Limited Liability Corporation
  - Sole Proprietor
  - Partnership
  - Public Agency

#### **2. Type of Provider (Check only one):**

- Postsecondary education institution
- Other public or private provider of training which may include joint-labor management organizations and eligible providers of adult education and literacy activities under Title II of WIOA if such activities are provided in combination with occupational skills training
- A local board that meets the requirements of WIOA Section 107(g)(1)
- Community-based or private organization that provides training under contract with a local board

**3. Provider participates in the Federal Pell Grant Program:** Choose one.

**4. Provider is a private postsecondary career school:** Choose one.

#### **5. WIOA Nondiscrimination Requirements**

**A. FEDERAL FINANCIAL ASSISTANCE.** WIOA requires programs and activities funded or financially assisted in whole or in part under WIOA be in compliance with all laws on the prohibition against discrimination on the basis of age, disability, or sex, or on the basis of race, color, or national origin.  
(Check each of box below that applies to Provider)

- Provider complies and will continue to comply with the prohibitions against discrimination on the basis of age under the Age Discrimination Act of 1975.
- Provider complies and will continue to comply with the prohibitions against discrimination on the basis of disability under the Americans with Disabilities Act of 1990.
- Provider complies and will continue to comply with the prohibitions against discrimination on the basis of disability under section 504 of the Rehabilitation Act of 1973.



## **SECTION A. TRAINING PROVIDER INFORMATION (Continued)**

- Provider complies and will continue to comply with the prohibitions against discrimination on the basis of sex under Title IX of the Education Amendments of 1972.
- Provider complies and will continue to comply with the prohibitions against discrimination on the basis of race, color, or national origin under Title VI of the Civil Rights Act of 1964.
- Provider agrees to comply with the prohibitions against discrimination against WIOA students on the basis of political affiliation or belief under WIOA Section 188(a)(2).

- B. PROHIBITION ON ASSISTANCE FOR FACILITIES FOR SECTARIAN INSTRUCTION OR RELIGIOUS WORSHIP.** In accordance with WIOA Section 188(a)(3), WIOA students shall not be employed under Title I of WIOA to carry out the construction, operation, or maintenance of any part of any facility that is used or to be used for religious instruction or as a place for religious worship (except with respect to the maintenance of a facility that is not primarily or inherently devoted to sectarian instruction or religious worship, in a case in which the Provider operating the facility is part of a program or activity providing services to students).

Will any program offered by Provider involve employment of WIOA students in the construction, operation, or maintenance of any part of any facility that is used or to be used for religious instruction or as a place for religious worship (check only one)? **Choose one.**

If yes, which program offered involves such employment of WIOA students?  
Please provide the name of each program:

Click here to enter text.



- C. PROHIBITION ON DISCRIMINATION ON THE BASIS OF STUDENT STATUS.** In accordance with WIOA Section 188(a)(4), no person may discriminate against an individual who is a student in a WIOA program or activity that receives funds under Title I of WIOA, with respect to the terms and conditions affecting, or rights provided to, the student, solely because of the status of the individual as a WIOA student.



## Eligible Training Provider List Policies and Procedures

---

### **SECTION A. TRAINING PROVIDER INFORMATION (Continued)**

Provider agrees to comply and confirms that all programs offered comply with the prohibitions against discrimination against WIOA students on the basis of student status under WIOA Section 188(a)(4):

Choose one.

- D. PROHIBITION ON DISCRIMINATION AGAINST CERTAIN NONCITIZENS.** In accordance with WIOA Section 188(a)(5), participation in WIOA programs and activities or receiving funds under Title 1 of WIOA shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees, and parolees, and other immigrants authorized by the Attorney General to work in the United States.

Provider agrees to comply and confirms that all programs offered comply with the prohibitions against discrimination against certain noncitizen WIOA students under WIOA Section 188(a)(5):

Choose one.

#### **6. Data Requirements**

Under WIOA, WDC is required to verify the employment-after-exit data for this program. Does provider agree to provide the data required specified on Appendices C and D of the “ETPL Policies and Procedures?”

Do you certify that your organization will adhere to all applicable federal, state and county confidentiality and privacy laws in the management and storage of student files, personally identifiable information, records and related materials

#### **7. What type of training organization are you?**

Check any that apply and append the attachment as specified. Applications that are missing attachments cannot be processed.

- Post-secondary, degree-granting school accredited by an accreditation body recognized by the United States Department of Education (US DOE)

Name of accrediting body: [Click here to enter text.](#)

**Attach a copy of your current accreditation & clearly label it:**  
“Attachment–Accreditation/Licensure/Registration” at the top



## Eligible Training Provider List Policies and Procedures

---

### **SECTION A. TRAINING PROVIDER INFORMATION** (Continued)

- Massage, cosmetology or real estate school registered as a school with the appropriate board under the Hawaii State Department of Commerce and Consumer Affairs (DCCA)

Name of accrediting body: [Click here to enter text.](#)

**Attach a copy of your current DCCA registration & clearly label it:**  
“Attachment–Accreditation/Licensure/Registration” at the top

- Distance Learning program that is fully accredited by a recognized accrediting body

Name of accrediting body: [Click here to enter text.](#)

**Attach a copy of your current accreditation & clearly label it:**  
“Attachment–Accreditation/Licensure/Registration” at the top

- Private training school, other than those listed above.

Name of accrediting body: [Click here to enter text.](#)

**If you are licensed by the Hawaii State Department of Education (HIDOE), Attach copy of your current HIDOE license & clearly label it:**  
“Attachment–Accreditation/Licensure/Registration” at the top

**OR**

**If you are exempt from HIDOE requirements, please check exemption that applies below and ATTACH documentation that substantiates your exemption:**

- Schools maintained or classes conducted by employees for their own employees where no fee or tuition is charged;
- Courses of instruction given by a fraternal society, benevolent order, or professional organization to its members and which are not operated for profit;
- Classes conducted for less than five students at one time and the same time;
- Classes or courses of instruction which are conducted for twenty or fewer class sessions during any twelve-month period;



## Eligible Training Provider List Policies and Procedures

---

### **SECTION A. TRAINING PROVIDER INFORMATION** (Continued)

- A vocational, hobby, recreational or health classes or courses;
- Courses of instruction on religious subjects given under the auspices of a religious organization; or
- Schools registered by the Hawaii State Department of Commerce and Consumer Affairs [Eff 12/7/87; comp 3/5/01] (Auth: HRS Section 302A-1112, 302A-427) (Imp: HRS Section 302A-1112, 302A-101, 302A-424, 302A-425)

**8. All non-governmental/private sector applicants must attach the following to the application.** (Applications that are missing these attachments cannot be processed):

**Certificate of Current Tax Clearance (issued within the past 6 months)**

**Attach a copy to your application & clearly label it:**  
"Attachment – Tax Clearance" at the top.

**Certificate of Liability Insurance**

**Attach a copy to your application & clearly label it:**  
"Attachment – Liability Insurance" at the top

**9. HIDOE licensed organizations only—please attach a copy of your HIDOE license.**

*Note: Should your application be approved, you will be responsible for ensuring that this certificate of liability insurance for the amount of at least \$2 million names the State of Hawaii Department of Labor & Industrial Relations (DLIR), and all the following counties in the State of Hawaii-- the City & County of Honolulu, the County of Hawaii, the County of Maui as well as the County of Kauai -- as additional insured.*



## Eligible Training Provider List Policies and Procedures

### **SECTION A. TRAINING PROVIDER INFORMATION (Continued)**

#### **CERTIFICATION BY APPLICANT**

I hereby attest that I am authorized to act on behalf of this organization and have reviewed the application and have knowledge of the content and the information contained herein. I declare that the information provided and each statement, monetary amount and supporting documentation included is true and correct to the best of my knowledge and belief. I also hereby attest that this organization and its instructors currently hold all licenses, certificates, permits and accreditations required under applicable federal, state and county laws, ordinances, codes and rules, required to provide the training services described herein. This organization is also in good standing with the Hawaii State Department of Commerce and Consumer Affairs. I understand that any noncompliance and/or misrepresentations, including but not limited to, those contained in all amendments to our course offerings that we initiate hereafter, may result in the termination of this organization from participation in the Eligible Training Provider program for a period of 12 months. I understand that this organization will be held liable for repayment of all funds received via the ETP program for any period of noncompliance. I understand that these are construed to provide remedies and penalties that supplement, but do not supplant, other civil and criminal remedies and penalties. I understand that the ETP program is per the Workforce Innovation and Opportunity Act of 2014.

AGREE

DISAGREE

\_\_\_\_\_  
Signature Name

\_\_\_\_\_  
Print Name / Date

Providers will be responsible for performance accountability and reporting of participants' exit data and outcomes for WIOA and non-WIOA participants. Specific accountability and reporting requirements are forthcoming and will be included in provider contracts.



## Eligible Training Provider List Policies and Procedures

### ASSURANCES

<b>LEARNING ENVIRONMENT, MATERIALS &amp; MANAGEMENT:</b>	<b>Yes</b>	<b>No</b>	
Do you certify that your training is carried out in a physical space approved by building code(s) to be used for commercial usage such as described in your application? Or solely web-based?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Web
Do you certify that all of your learning materials and equipment for the ETP training program you are seeking approval for are at least the same as those afforded to the general public?	<input type="checkbox"/>	<input type="checkbox"/>	
Do you understand that the number of participants referred to any ETP approved organization to attend any particular training course cannot be predetermined or guaranteed?	<input type="checkbox"/>	<input type="checkbox"/>	
The Hawaii Revised Statutes, Chapter 328K or its successor provision which prohibits smoking in public places?	<input type="checkbox"/>	<input type="checkbox"/>	
Laws governing the treatment of persons with disabilities, including the American with Disabilities Act (42 U.S.C. §12101, <u>et seq.</u> ) and the Rehabilitation Act (29 U.S.C. §701, <u>et seq.</u> )?	<input type="checkbox"/>	<input type="checkbox"/>	
All laws governing non-discrimination?	<input type="checkbox"/>	<input type="checkbox"/>	
Do you certify that your organization has student grievance procedures that are in compliance with the licenses and accreditations you currently hold? <i>Please attach your student grievance procedures &amp; clearly label it as "Attachment – Student Grievance Procedures" at the top</i>	<input type="checkbox"/>	<input type="checkbox"/>	
Do you certify that certificates/credentials are awarded only to WIOA participants who have earned them via coursework requirements and grading system as are expected of all your students?	<input type="checkbox"/>	<input type="checkbox"/>	
Do you certify that the state, county and federal government, through any authorized representative, are allowed at any time to provide information to participants and the public about training courses and other services offered by your organization?	<input type="checkbox"/>	<input type="checkbox"/>	

How many complaints about the program from Workforce Investment Act (WIA) or WIOA participants have been filed with your organization within the last two (2) years? [Click here to enter text.](#)

How were they resolved?  
[Click here to enter text.](#)

Not applicable – this organization is a first-time applicant



## Eligible Training Provider List Policies and Procedures

	Yes	No
Do you certify that only your courses which are approved for the ETP program will be offered to WIOA participants?	<input type="checkbox"/>	<input type="checkbox"/>
Do you understand that any changes you wish to make to your course offerings must first be reviewed and approved before such changes can be implemented?	<input type="checkbox"/>	<input type="checkbox"/>
Do you certify your organization shall submit updated, program information at least three (3) weeks prior to the start date of your class(es) and that failure to do so may result in your organization's suspension from the ETP program for a period not to exceed 12 months?	<input type="checkbox"/>	<input type="checkbox"/>
Do you certify that your classes' syllabi will not change substantially for the period for which you are approved to be an ETP and that courses will not require more than 40 hours per week of class time, including associated mandatory activities such as a lab time, excursions and the like?	<input type="checkbox"/>	<input type="checkbox"/>
Do you certify that costs for items such as textbooks, supplies, kits and similar class supplies required of students will be priced reasonably as determined by the appropriate one-stop job center and that enrollment in your course(s) may be suspended if such costs are determined to be out-of-line with prevailing market rates?	<input type="checkbox"/>	<input type="checkbox"/>
Do you understand that the performance standards (Exhibit A) as calculated by the Hawaii State Department of Labor and Industrial Relations will be used to calculate subsequent eligibility and should your organization fail to meet these performance standards, do you understand that your organization will be removed from the State ETP list for 12 months?	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>MONITORING:</u></b>		
Do you certify that the State, LWDB/county and federal government(s), through any authorized representative, are allowed to review, inspect and/or audit your organization's books, records and documents, including performance data (see Exhibit A), related to this application?	<input type="checkbox"/>	<input type="checkbox"/>
Do you certify that documents, papers, books, records and other evidence which sufficiently and properly reflect all expenditures of any nature related to your organization's performance for services under this application are retained for a period of at least three (3) years?	<input type="checkbox"/>	<input type="checkbox"/>
Do you certify that in the event any litigation, claim, investigation, audit or other action arises involving the records retained for services resulting from this solicitation, then such records will be retained for three (3) years from the date of final payment, or the date of the resolution of the action, whichever occurs later?	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>RELEASE OF INFORMATION:</u></b>		
Do you certify that your organization will adhere to all applicable federal, state and county confidentiality and privacy laws in the management and storage of student files, records and related materials?	<input type="checkbox"/>	<input type="checkbox"/>
Do you certify that your organization will obtain prior written approval from the LWDB/county whenever it identifies or refers to the LWDB, county, one-stop center(s), or the state, its employees or participants, in any and all media releases, public statements, announcements, broadcasts, posters, programs, computer postings, and other printed, published, or electronically disseminated materials?	<input type="checkbox"/>	<input type="checkbox"/>
<b><u>PAYMENT, WITHDRAWALS, SUBSTITUTIONS &amp; CANCELLATIONS:</u></b>		
Student withdrawals -- Do you certify that the one-stop center shall not be responsible for paying the tuition or other training related expenses if the one-stop center gives you, the training provider, a written withdrawal notice that you will receive at least three business days prior to the start of the scheduled class?	<input type="checkbox"/>	<input type="checkbox"/>



## Eligible Training Provider List Policies and Procedures

Student substitutions – Do you certify that should a participant withdraw from a course that you will give the one-stop case manager the first opportunity to replace the participant with a substitute participant and that you will not charge the one-stop center any additional fees for such substitutions?	<input type="checkbox"/>	<input type="checkbox"/>
Course cancellation -- Do you certify that except in cases of emergency beyond your control, if you cancel or reschedule any class(es) in which participants are registered, you will provide a written notice to the one-stop case manager that s/he will receive at least two business days prior to the start date of the class?	<input type="checkbox"/>	<input type="checkbox"/>
Course cancellation -- Do you certify that you will also notify each participant of the cancelled or rescheduled class(es) by telephone, email, postal mail, fax or similar means to be received at least two business days prior to the start date of the canceled or rescheduled class(es) and that you will keep a written log that indicates you attempted to contact each participant no less than two times?	<input type="checkbox"/>	<input type="checkbox"/>
Do you certify that you will accept participants funded by other sources and that these participants will be able to select training from the same lists of courses as contained in this application?	<input type="checkbox"/>	<input type="checkbox"/>
Payment -- Do you certify to accept a Purchase Order (P.O.) Number or government credit card (commonly referred to as a "P-card"), issued by the one-stop center, authorization to receive payment for a course in which a WIOA participant is registered?	<input type="checkbox"/>	<input type="checkbox"/>
<p>For training referrals by DLIR, do you agree to the billing procedures described below?</p> <p>A. P-Card <u>or</u> Purchase Orders The DLIR Workforce Development Division (WDD) will issue via facsimile either a P-card number, which is a government issued credit card or a purchase order number, which the provider shall accept in order to receive payment for a course in which an individual completed their training course.</p> <p>B. Billing Procedure The provider shall submit an original and three (3) copies of the provider's invoice for which an individual(s) completed their training courses in the approved programs. Each invoice shall contain the following information for ALL individuals:</p> <ol style="list-style-type: none"> <li>1. Name of individual</li> <li>2. P-card number or Purchase Order number</li> <li>3. Beginning and end date of course</li> <li>4. Course title/number</li> <li>5. Copy of Licensure/Certification/Diploma issued to the individual</li> <li>6. Cost of course or other training-related costs</li> </ol> <p>The provider shall submit the invoices to the Case Manager at the address specified on the registration form within twenty (20) calendar days after the end date of the course. Payments will only be made for services and work performed to the satisfaction of WDC.</p> <p>C. Late Invoices The provider's failure to submit the invoice on a timely basis shall jeopardize any payment being made for training. The DLIR WDD shall not be liable for payments for delinquent invoices after 60 days from the first scheduled day of the course.</p>	<input type="checkbox"/>	<input type="checkbox"/>
Do you agree to defend, indemnify and hold harmless the State of Hawaii, Department of Labor and Industrial Relations, City and County of Honolulu, County of Hawaii, County of Maui, County of Kauai, and their officers, employees, agents from and against all liability, loss, damage, cost, and expense, including all attorneys' fees, and all claims, suits and demands therefore, arising out of or resulting from the acts or	<input type="checkbox"/>	<input type="checkbox"/>



## Eligible Training Provider List Policies and Procedures

---

omissions of the training provider or the training provider's employees, officers, agents, or subcontractors for training resulting from this application?		
--	--	--

If you have any questions regarding this application, please contact your local area Workforce Development Board at:

Oahu	808-522-7090
Hawaii	808-961-8379
Maui	808-270-8225
Kauai	808-241-4950



### **SECTION B. PROGRAM INFORMATION**

If Provider is submitting an application for more than one (1) program, a separate “Section B. Program Information” must be submitted for each program Provider intends to offer as a WDC approved program.

**1. Provide a brief description of the program:**

Program name: [Click here to enter text.](#)

Brief description of program: [Click here to enter text.](#)

Does the program result in a recognized postsecondary credential?\* [Choose one.](#)

If yes, please describe: [Click here to enter text.](#)

Does program include an “employability skills” component or course? \*\* [Choose one.](#)

If yes, please describe

\* A “postsecondary credential” is a certificate, diploma, degree, transferrable academic credit(s), award(s), recognition, etc., resulting from a student’s participation in a program.

\*\*Employability skills, commonly referred to as “soft skills,” are the non-technical skills, knowledge, and abilities necessary to obtain employment and effectively participate in the workplace, including communication, self-management, planning, decision-making and problem-solving skills.

**2. What are the minimum enrollment requirements for acceptance into the program (high school diploma, prerequisites, assessment scores, etc.)?**

[Click here to enter text.](#)

**3. Provide a brief description of the minimum qualifications to be an instructor for this program:**

[Click here to enter text.](#)

**4. Provide information as to whether the provider is in a partnership with a business in relation to the program (include, if applicable, information about the quality and quantity of employer partnerships):**

[Click here to enter text.](#)

**5. To the extent possible, provide information that addresses alignment of the program with in- demand industry sectors and occupations:**

[Click here to enter text.](#)

*Note:* To find out if the program aligns with in-demand industry sectors and occupations, please visit [www.hiwi.org](http://www.hiwi.org)



## Eligible Training Provider List Policies and Procedures

---

**6. Provide information as to how this program provides a program of high-quality study, including how the program leads to a recognized postsecondary credential:**

[Click here to enter text.](#)

**7. Program cost information, including in-state tuition and fees, for students enrolled in the program:**

Total program in-state tuition for one (1) student: [Click here to enter text.](#)

Total program fees for one (1) student: [Click here to enter text.](#)

Total of other costs for one (1) student: [Click here to enter text.](#)

Description of other costs: [Click here to enter text.](#)

**8. Method of instruction for the program (check all that apply):**

Classroom instruction

Combination of classroom instruction

and distance learning

Distance learning (e.g., online classes)

**9. Program duration, schedule, and minimum enrollment requirements for the program:**

Total length of the program (number of hours, days, weeks, months, years, etc.) [Click here to enter text.](#)

When are classes or training sessions normally held (days, evenings, or both)? Choose one.

Is the class or training schedule flexible? Choose one.

Days of the week on which classes meet and/or training occurs: [Click here to enter text.](#)



## Eligible Training Provider List Policies and Procedures

---

### Appendix B

#### New Eligible Training Provider (ETP) Application Process

##### Step 1: Work with Your Local Workforce Development Board (Local Board)

The Local Board in each county will be your main point of contact for the Workforce Innovation and Opportunity Act ETP program. Contact a Local Board representative using the information below for information on the process from submission of the application to approval for inclusion on the Eligible Training Provider List.

**Note:** Separate applications must be submitted to and approved by Local Board representatives in each county where training is to be provided.

**If you're on O'ahu, contact:**

Oahu Workforce Development Board  
City & County of Honolulu  
715 South King Street, Suite 211  
Honolulu, HI 96813  
**Phone:** (808) 768-5889  
**Email:** [owib@honolulu.gov](mailto:owib@honolulu.gov)

**If you're in Mau'i County, contact:**

Office of Economic Development  
County of Maui  
2200 Main Street, Suite 305  
Wailuku, HI 96793  
**Phone:** (808) 270-8225  
**Email:** [roland.prieto@co.maui.hi.us](mailto:roland.prieto@co.maui.hi.us)

**If you're in Hawai'i County, contact:**

Office of Housing and Community  
Development  
County of Hawaii  
50 Wailuku Drive  
Hilo, HI 96720  
**Phone:** (808) 961-8379  
**Email:** [ohcdwia@hawaiicounty.gov](mailto:ohcdwia@hawaiicounty.gov)

**If you're in Kaua'i County, contact:**

Office of Economic Development  
County of Kaua'i  
4444 Rice Street, Suite 200  
Lihue, HI 96766  
**Phone:** (808) 241-4950  
**Email:** [kbradford@kauai.gov](mailto:kbradford@kauai.gov)

**Step 2:** Submit the application (Appendix A) to the appropriate Local Board(s).

##### Step 3: ETP Website Account

After the ETP application is submitted and the Local Board representative consulted, an ETP website account should be requested. Your contact and training program information is managed through this website account.

**Note:** Information submitted through ETP website account will not appear on the website until it has been reviewed and approved by ETP representatives at both the county and state levels.



## Eligible Training Provider List Policies and Procedures

---

### Appendix C

#### Required Data for the Eligible Training Provider List

1. The provider must submit a “Certificate of Vendor Compliance” issued by Hawaii Compliance Express (see Item II.C.3.).
2. Submit the completed *New Providers Application for Initial Eligibility* to the Local Board for processing. A template of the is posted at: <http://dlir.state.hi.us/labor/etp/>. The following provider contact information will be requested:
  - a. Name of the Eligible Training Provider
  - b. Provider’s island (Oahu, Big Island, Maui, Molokai or Kauai)
  - c. Provider’s Street Address
  - d. Provider’s Mailing Address
  - e. Federal Employer Identification Number (FEIN)
  - f. State of Hawaii Tax ID #
  - g. Primary Contact person’s name and/or office, address, phone, fax and email numbers
  - h. Student Contact person’s name, address, phone, fax and email numbers
  - i. Authorized Signatory name, address, phone, fax and email numbers
  - j. Provider’s website address
  - k. If the provider wants to set a uniform cost for all its offered programs, state it. (For example, “\$497 per academic hour.” Providers usually want to do this, as many ETPs use the same cost structure for all their programs. This number can be overridden at the program level, if a few programs have unique costs but most programs are the same.)
  - l. Accreditation of provider/licensing agency
  - m. Types of financial aid offered and how to apply
  - n. Does provider offer job placement assistance? (Y/N)
  - o. Does the provider offer disability access? (Y/N)
3. PROGRAM/COURSE specific data:
  - a. Program/course title
  - b. Program description
  - c. Credential offered, for example, BA diploma, associate degree, certificate of completion, etc. (Note: This should be program-specific, **not** the list of all credentials the provider offers)
  - d. Cost of program
  - e. Length of program (in weeks/months/etc.)
  - f. Total # of hours of program (“156 hours,” e.g.)
  - g. When program meets (days, weekends, nights, summer session, etc.)
  - h. Is the program a “green” program? (Y/N)



## Eligible Training Provider List Policies and Procedures

### Appendix D Required Student Data

Individual data reported to the State Board is not considered public information and is exempt from public disclosure laws pursuant to federal and state guidelines. (TEGL 39-11 and HRS §92F-4, 92F-13,14). For each reporting period, a single comma separated file (.csv) containing all student records for each applicable program will be submitted in the format specified.

Data Element	Description
<b>Student Code</b>	The student ID associated with the institution
<b>SSN</b>	The Social Security associated with each student
<b>Driver's License Number</b>	The driver's license number associated with each student
<b>Driver's License State</b>	The state in which the driver's license was issued for each student
<b>First Name</b>	Student's first name
<b>Last Name</b>	Student's last name
<b>Middle Initial</b>	Student's middle initial (1-character)
<b>DOB</b>	Date of birth of student
<b>Gender</b>	Student's gender (1-digit code) 1 = Female 2 = Male 3 = Not Provided
<b>Hispanic</b>	Student's Hispanic origin (1-digit code) 1 = Hispanic Origin 2 = Not of Hispanic Origin 3 = Unknown/Not Provided
<b>Race</b>	Student's race (2-digit code) 01 = White/Caucasian 02 = Black/African American 03 = American Indian or Alaska Native 04 = Asian 05 = Hawaiian Native or Other Pacific Islander 06 = Multi-Racial 07 = Other 08 = Unknown/Not Provided
<b>Veteran Status</b>	A TRUE/FALSE code indicating a student's veteran status (1 = true, 0 = false)
<b>Disability Status</b>	A coded indicating a student's disability status 1 = True 2 = False 3 = Not Provided



## Appendix E Performance Measures

Performance Measures outlined in Table 1 will be made available, beginning in 2018. Performance Measures will be reviewed, modified, and/or expanded by the State Board, in accordance with Section 122 of WIOA.

**Table 1: WIOA Eligible Training Provider Performance Measures**

Performance Measure	Implementation Year	Description
All Students Credential Attainment Rate	CY 2018	Total number of students who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation or 1 year after exit divided by the total number of students exiting the program (both completers and non-completers) within the 12 month reporting period.
All Student* Employment Rate During 2nd Quarter After Exit	CY 2018	Total number of students exiting (both completers and non-completers) from the applicable program that were working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of students exiting the program.
All Student* Employment Rate During 4th Quarter After Exit	CY 2018	Total number of students exiting (both completers and non-completers) from the applicable program that were working in unsubsidized employment during the 4th quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of students exiting the program.
All Student* Median Earnings in Employment during 2nd Quarter After Exit	CY 2018	Median earnings expressed as an hourly rate for all students exiting the applicable program <b>and</b> working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date).



## Eligible Training Provider List Policies and Procedures

Performance Measure	Implementation Year	Description
WIOA Participant Program Completion Rate	CY 2017	Total number of WIOA participants completing the applicable program divided by the total number of WIOA participants exiting the program (both completers and non-completers) within the 12 month reporting period.
WIOA Participant Credential Attainment Rate	CY 2018	Total number of WIOA participants who obtain a recognized post-secondary credential, or a secondary school diploma or its recognized equivalent during participation or 1 year after exit divided by the total number of WIOA participants exiting the program (both completers and non-completers) within the 12 month reporting period.
WIOA Participant Employment Rate During 2nd Quarter After Exit	CY 2018	Total number of WIOA participants exiting (both completers and non-completers) from the applicable program that were working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of WIOA participants exiting the program.
WIOA Participant Employment Rate During 4th Quarter After Exit	CY 2018	Total number of WIOA participants exiting (both completers and non-completers) from the applicable program that were working in unsubsidized employment during the 4th quarter subsequent to the exit quarter (the calendar quarter containing the exit or completion date), divided by the total number of WIOA participants exiting the program.
WIOA Participant Median Earnings in Employment During the 2nd Quarter After Exit	CY 2018	Median earnings expressed as an hourly rate for WIOA participants exiting the applicable program <b>and</b> working in unsubsidized employment during the 2nd quarter subsequent to the exit quarter (the calendar quarter containing the exit or the completion date).

\* Applies to All Students within a WIOA-eligible program